UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,922	04/26/2000	John Albert Kembel	IMS 05-03	1665

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ART UNIT	PAPER NUMBER
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 February 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>32 and 35-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>32 and 35-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   In view of the Appeal Brief filed on 07/12/2007, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

Response to Arguments

2.   Applicant's arguments with respect to claims 32 and 35-43 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 32 and 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Barnett et al. (Barnett), US Patent No. 6,369,840 and further in view of Dang, US

Application Publication No. US 2002/0089536.

5.   As to independent claim 32, Barnett discloses a method of providing content to a

user, comprising:

        receiving a request for the content (Figure 4 and col. 8, line 60 – col. 9, line 6:

user entering login name and password via HTML page for retrieving user-specific

information);

        in response to the request, retrieving information usable by a computing device

to present data that is programmed in a format readable by a Web browser program

outside of a window of a Web browser program (col. 8, line 60 - col. 9, line 15 and

Figure 5: in response to the user entering the information, system 100 retrieves centrally

stored user-specific information 111 from database 112, including user preferences and personalized calendar information, and Figure 5 shows a screen shot of a What's New page 306 (retrieving information). Barnett further discloses in col. 6, line 55 - col. 7, line 4 that as the user operates the present invention, he or she is presented with interactive web pages that provide information and accept input, and one of ordinary skill in the art will recognize that the user may also possibly operate without use of a browser (col. 7, lines 25-30),

wherein the information includes instructions for invoking a computing device resident process executable independent of a Web browser and a definition that defines at least in part a functionality and an appearance of a user interface outside of a window of a Web browser program and within which the results of the computing device resident process are presented (Figures 5-6, col. 5, lines 3-35, col. 6, lines 4-25 and col. 9, lines 2-15: Web server determines which application server 106 is best able to handle a particular connection for a particular user, the application server 106 is running number of processes, and each particular user is assigned to a selected process (computing device resident process). Figure 5 shows that when the user clicks "event directory" from the navigation bar, the results of which being capable of display within the frame shown in Figure 6, Figure 5 also shows a screen shot of a What's New page 306 showing a personalized welcome greeting is displayed, and the information displayed in What's New page (definition) is taken from the user' individual records in the database, the user's individual records displays a functionality and an appearance of user's specific information (col. 5, lines 44-58 and col. 9, lines 38-47)); and

transmitting the information (Figures 5-6 and col. 9, lines 15: the user-specific information is transmitted and displayed to the user).

Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

To support the examiner's interpretation, Dang describes that Java applications (standalone applications) that don't need a browser to run (page 1, paragraph [0004]) Dang further describes the use of Java application to create web pages and other web-based application, and the java is used because of its platform independence (page 1, paragraph [0016]). Dang further describes Java application provides popup window and frame that appear outside the constraints of the normal browser, and the window and frame can display Internet content (page 2, paragraphs [0030], [0040]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dang with Barnett since both Barnett and Dang references provide a sufficient suggestion to those skilled in the art to modify the Barnett system to include display Internet content independent of a web browser program. The motivation for using popup window and frame is to allow more than one window or frame to be open at any given time.

6.   As to dependent claims 35 and 40, Barnett discloses wherein at least a portion of the user interface is a frame within which the results of the computing device resident

process are presented (Figure 5 and col. 9, lines 38-47: page 306 shown in Figure 5 is one example of a What's New page, and Figure 5 also shows a portion of the user interface is a frame that displays the information results).

7.   As to dependent claims 36 and 41, Barnett discloses wherein at least a portion of the definition fully describes a functionality and an appearance of a frame within which the results of the computing device process are presented (Figure 5 also shows a screen shot of a What's New page 306 show a personalized welcome greeting is displayed, and the information displayed in What's New page is taken from the user' individual records in the database, the user's individual records displays a functionality and an appearance of user's specific information (col. 5, lines 44-58 and col. 9, lines 38-47)).

8.   As to dependent claims 37 and 42, Barnett discloses wherein the definition is provided by a Web content provider, thereby enabling the Web content provider to control at least in part a functionality and an appearance of the frame when rendered (col. 5, lines 11-15: What's New page (definition) retrieves personal calendar information from database server or web server (web content provider), and the What's New page is taken from the user' individual records in the database, the user's individual records displays a functionality and an appearance of user's specific information (col. 5, lines 44-58 and col. 9, lines 38-47), thus the web server (web

content provider) controls at least in part a functionality and an appearance of the frame when rendered).

9.   As to dependent claim 38, Barnett discloses wherein the computing device resident process is provided by the Web content provider (col. 5, lines 3-35 and col. 6, lines 4-25: web server (web content provider) determines which application server 106 is best able to handle a particular connection for a particular user, and application server is running a number of processes (computing device resident process), and a particular user is assigned to a selected process).

10.   As to independent claim 39, Barnett discloses a method of providing Internet content to a user of a computing device, comprising:

receiving a request from a computing device (Figure 4, col. 6, line 55 – col. 7, line 4 and col. 8, line 60 – col. 9, line 6: user entering login name and password via HTML page for retrieving user-specific information via a client computer or user computer);

in response to the request, retrieving data that is programmed in a format readable by a Web browser program (col. 8, line 60 - col. 9, line 15 and Figure 5: in response to the user entering the information, system 100 retrieves centrally stored user-specific information 111 from database 112, including user preferences and personalized calendar information, and Figure 5 shows a screen shot of a What's New page 306 (retrieving information)),

the data comprising instructions for invoking a computing device resident process

and content data to be displayed at the computing device outside of a window of a Web

browser program in response to execution of said computing device resident process,

and a definition that defines at least in part a functionality and an appearance of a user

interface outside of a window of a Web browser program and within which the results of

the computing device resident process are presented (Figures 5-6, col. 5, lines 3-35,

col. 6, lines 4-25 and col. 9, lines 2-15: Web server determines which application server

106 is best able to handle a particular connection for a particular user, the application

server 106 is running number of processes, and each particular user is assigned to a

selected process (computing device resident process). Figure 5 shows that when the

user clicks "event directory" from the navigation bar, the results of which being capable

of display within the frame shown in Figure 6, Figure 5 also shows a screen shot of a

What's New page 306 showing a personalized welcome greeting is displayed, and the

information displayed in What's New page (definition) is taken from the user' individual

records in the database, the user's individual records displays a functionality and an

appearance of user's specific information (col. 5, lines 44-58 and col. 9, lines 38-47).

Barnett further discloses in col. 6, line 55 - col. 7, line 4 that as the user operates the

present invention, he or she is presented with interactive web pages that provide

information and accept input, and one of ordinary skill in the art will recognize that the

user may also possibly operate without use of a browser (col. 7, lines 25-30)), and

transmitting the data to the computing device (Figures 5-6 and col. 9, lines 15:

the user-specific information is transmitted and displayed to the user).

Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

To support the examiner's interpretation, Dang describes that Java applications (standalone applications) that don't need a browser to run (page 1, paragraph [0004]) Dang further describes the use of Java application to create web pages and other web-based application, and the java is used because of its platform independence (page 1, paragraph [0016]). Dang further describes Java application provides popup window and frame that appear outside the constraints of the normal browser, and the window and frame can display Internet content (page 2, paragraphs [0030], [0040]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dang with Barnett since both Barnett and Dang references provide a sufficient suggestion to those skilled in the art to modify the Barnett system to include display Internet content independent of a web browser program. The motivation for using popup window and frame is to allow more than one window or frame to be open at any given time.

11.   As to dependent claim 43, Barnett discloses wherein the computing device resident process, content data, and the definition are provided by the Web content provider, thereby enabling the user interface to integrate seamlessly with the results of the computing device resident process and content data (col. 5, lines 3-35 and col. 6,

lines 4-25: web server (web content provider) determines which application server 106

is best able to handle a particular connection for a particular user, and application

server is running a number of processes (computing device resident process), and a

particular user is assigned to a selected process; col. 5, lines 11-15: What's New page

(definition) retrieves personal calendar information from database server or web server

(web content provider), and various types of data such as personal event data are

retrieved from database server or web server (col. 5, lines 44-58 and col. 9, lines 38-

47), and all of this information are presenting to the user via user interface (col. 8, line

60 - col. 9, line 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The Examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Doug Hutton, can be reached at (571) 272-4137.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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